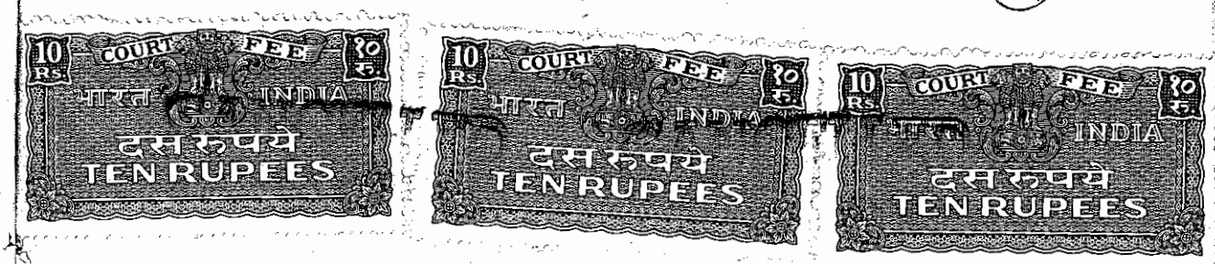
(4)



IN THE HIGH COURT OF JUDICATURE AT BILASPUR(CHHATTISGARH)

W.P. NO. 227/2001

PETITIONER

P.P. No. 267/07
Presented by Shri H.S. Chandrawali
dated 20.2.07

Mrs. Sunita Saxena,
W/o. Pramod Kumar Shrivastava,
Aged 35 years,
Occupation - Service,
Posted as Upper Division
Teacher,
Mohanty Girls Higher
Secondary School,
Tilaknagar, Bilaspur (C.G.)

Vs.

RESPONDENTS

1. Shikshan Samiti
(Managing Committee),
Mohanty Girls Higher
Secondary School,
Tilaknagar, Bilaspur (C.G.)
Through its Secretary

2. District Education Officer
(School Education),
Bilaspur (C.G.)

3. Principal,
Mohanty Girls Higher
Secondary School,
Tilaknagar, Bilaspur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI, MANDAMUS PROHIBITION AND OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERS.

(104)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 227/2001 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

10.01.2002

Shri Manendra Shrivastava, learned counsel for the petitioner

Shri Rajiv Shrivastava, learned counsel for the State/ Respondent No.2.

Heard.

Learned counsel for the petitioner submits that the petitioner was initially appointed on 16.08.1998, as Upper Division teacher Mohanty Girls Higher Secondary School at Bilaspur, which is run and managed by Respondent No.1. The appointment of the petitioner was in permanent and substantive capacity in a regular scale of pay. The institution is an aided institution-receiving grant in aid and the same is governed by the Province of Madhay Pradesh Ashaskiya Shikshan Sanstha (Adhyapakon Tatha Anya Karmachariyon ke Vetano Ka Sandaya) Adhiniyam, 1978. The petitioner was continuing in service all along during these years but no complaint was ever made against her work. Shri Manendra Shrivastava further submitted that the post occupied by the petitioner is one against which the grant in aid is admissible and therefore, the petitioner is a

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XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 227/2001 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	(2)	

teacher. On certain charges based on baseless complaint against the petitioner the impugned order of suspension was passed. The allegations made against the petitioner are wild, vague and unspecific. After the order of suspension was passed, the petitioner was entitled to get the subsistence allowance. However, w.e.f. 01.05.2000 no subsistence allowance has been paid to the petitioner till date. The charge sheet was issued to the petitioner on 02.6.2000. The petitioner submitted her representation. For payment of subsistence allowance the petitioner repeatedly made several representations. Ultimately a letter (Annexure P-22) was issued from the office of the District Education Officer on 19.12.2000, clearly stating that the petitioner is entitled to get the subsistence allowance, which is not being paid to her. Shri Shrivastava learned counsel for the petitioner has vehemently argued that the non-payment of subsistence on false, pretext and continuance of suspension after a period of 90 days without the approval of the competent authority is arbitrary and illegal.

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(106)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No.227/2001 सन् ~~200~~

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित (3)	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Shri Rajiv Shrivastava, learned counsel for the respondent Nos. 1 & 3 submits that the petitioner has filed this petition on the basis on misconceived and incorrect facts. The petitioner who was working as Upper Division teacher was indulged in certain illegal activities and committed negligence in duties assigned to her. After receiving the complaints and on verification of the same the respondents found it necessary to place the petitioner under suspension. The order of suspension was immediately forwarded to the competent authority for its approval and the competent authority after conducting a full-fledged enquiry in which the petitioner was granted an opportunity of being heard also confirm the order of suspension.

Having considered the facts and circumstances of the case and the material available on record, the petition is disposed of with the direction that the petitioner be given subsistence allowance within 10 days on receipt of the copy of this order and the enquiry which is pending be expedited. The enquiry officer shall be appointed forthwith and the enquiry officer shall

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

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विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित (4)	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	proceed with the enquiry and conclude the same as early as possible preferably within two months. With the above observations, the petition is disposed of. Certified copy of the order be supplied as per rules. **Sd/-** **Fakhruddin** **Judge**	

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